IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 27147 of 2004(F)

PETITIONER:

MUHAMMED, MANAGING PARTNER,
ASHRAF TILE & CLAY WORKS, TAJ NAGAR,
ALAMPADY POST, KASARAGOD.

BY ADV. SRI.M.B.PRAJITH.

RESPONDENTS:
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1. **THE ASSISTANT PROVIDENT FUND COMMISSIONER, SUB REGIONAL OFFICE, V.K. COMPLEX, FORT ROAD, KANNUR.**

2. **UNION OF INDIA, REPRESENTED BY SECRETARY TO GOVERNMENT, LABOUR DEPARTMENT, NEW DELHI.**

BY ADV. SRI.R.SUDHIR, SC, P.F.
SRI.P.PARAMESWARAN NAIR,A.S.G.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.27147/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER DTD. 01/10/2003.

EXT.P.2: COPY OF THE NOTICE DTD. NIL.

EXT.P.3: COPY OF THE NOTICE DTD. NIL.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 27147 OF 2004

Dated this the 12th day of July, 2007.

J U D G M E N T

The petitioner is aggrieved by the recovery steps initiated against him as per Exhibit P3. The same is towards interest and damages in respect of the dues to the Provident Fund.

2. As rightly pointed out by the learned counsel appearing for the respondents, if aggrieved it is for the petitioner to pursue his statutory remedies against the assessment. Without prejudice to such liberty this writ petition is dismissed making it clear that the recovery shall be deferred for a period of three months from today in order to enable the petitioner to workout the relief as above. It is made clear that in the event of the petitioner pursuing such remedy within a period of one month from today, the same shall be treated to have been filed in time.

KURIAN JOSEPH, JUDGE.

smp